



NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION

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Ex Parte

July 7, 2005

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: CS Docket No. 98-120

Dear Ms. Dortch:

On July 6, 2005, Diane Burstein (Deputy General Counsel), Michael Schooler (Deputy General Counsel) of the National Cable & Telecommunications Association ("NCTA") and I met with Catherine Bohigian, Legal Advisor to Chairman Martin, and Heather Dixon, Attorney Advisor. During that meeting, NCTA urged the Commission not to adopt a proposal, dating back to a one-paragraph discussion in the 1998 Notice of Proposed Rulemaking in this Docket, that would provide local broadcast stations with the right to choose mandatory cable carriage of either their digital or their analog broadcast signal ("either/or") during the transition period.

NCTA argued that providing broadcasters this either/or choice in many cases would effectively grant stations dual carriage rights given the large base of analog television sets in cable customers' homes. The Commission just five months ago decided that broadcasters should not be granted dual carriage rights, finding that dual must carry was not required by the 1992 Cable Act and would raise serious constitutional problems. Under these circumstances, NCTA maintained that there was no cause for the Commission to revisit this decision. NCTA also demonstrated that providing the either/or choice will not accelerate the digital transition.

Respectfully submitted,

/s/ Daniel Brenner

Daniel Brenner

cc: Catherine Bohigian
Heather Dixon